

Summary of Framework for Agricultural Worker Immigration Program

Two main components:

1. A new **Blue Card program** offering a path to citizenship for the current undocumented farm worker population in the United States.
2. The creation of two new **Agricultural Visa programs** (W-2 and W-3) to ensure an adequate, future agricultural workforce.

Blue Card program for experienced farm workers

Current undocumented farm workers would be eligible to obtain legal status through a Blue Card program. Agricultural workers who can document U.S. agricultural employment for a minimum of 100 work days or 575 hours in the two years prior to date of enactment are eligible to adjust to Blue Card status. Applicants must not have a felony or violent misdemeanor conviction, have paid taxes and pay a fee of \$100 fee to Department of Homeland Security. Blue Card status expires eight years after the date of enactment.

Agricultural workers become eligible for a Green Card when they fulfill Blue Card employment requirements in U.S. agriculture, pay all taxes, have no felony or violent misdemeanor convictions and pay a \$400 fee.

Agricultural Visa program for future flow of guest workers

Two new guest worker programs would be established to ensure an adequate agricultural workforce:

- A portable, at-will employment based visa (W-3 visa), and
- A contract-based visa (W-2 visa) to replace the H-2A program.

Elements of the new visa program include:

Visa Caps: For the first five years, the visa programs are capped at 112,333 per year (with a three-year visa, this would result in 336,999 temporary workers after the second year).

- Year six and subsequent years – The Secretary of Agriculture, in consultation with the Secretary of Labor, will establish a new annual visa cap for each fiscal year.

Wage Rate: Sets prevailing wage rates. In 2016, for the following job categories, the rates will be:

- Graders and sorters - \$9.84
- Agricultural equipment operators - \$11.87
- Farmworkers and laborers (crop, nursery and greenhouse) - \$9.64
- Farmworkers (farm and ranch animals) - \$11.37

Eligibility Requirements: Initial employee eligibility based on an offer of employment from a Designated Agricultural Employer.

Three-Year Visa Terms: Guest worker can renew visa once. After year six, guest worker must reside outside of U.S. for three months before obtaining another visa.

Recruitment Requirements: Employer may not seek a foreign worker unless employer offers such employment to each willing and qualified U.S. worker who applies. Employer must file job offer with local office of the state workforce agency.

Work Requirements: Worker would lose status and must depart the U.S. if unemployed for more than 60 consecutive days.

Housing Requirements: Employers provide housing or housing allowance for at-will and contract workers.

Transportation to and from job site: Contract Visa Program – employer required to provide transportation. At-Will Visa Program – employer not required to provide transportation.

Inbound and Outbound Travel to and from Home Country: First employer pays for inbound travel to U.S. for both at-will and contract workers. Employer pays for outbound travel from U.S. for contract workers who work at least $\frac{3}{4}$ of the entire visa period with only one employer.

Worker's Compensation: Workers are eligible for worker's compensation.

Dispute Resolution: Workers are covered by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

Commuter Program: Employer is not required to provide housing or housing allowance to worker when the job site is within 50 miles of the border.